

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Ali Ibn Aziza El,

Plaintiff,

v.

Case No. 09-11569

City of Southfield, a municipal
corporation, and Officer David
McCormick and Blake Matall,

Honorable Sean F. Cox

Defendants.

ORDER DISMISSING ACTION FOR FAILURE TO PROSECUTE

Acting *pro se*, on April 27, 2009, Plaintiff Ali Ibn Aziza El (“Plaintiff”) filed this action against Defendants. On July 23, 2009, this Court issued the Scheduling Order in this matter which provides, among other things, that witness lists must be filed by November 20, 2009, and discovery is to close on December 18, 2009. (Docket Entry No. 5).

On November 11, 2009, Defendants filed a motion seeking to compel discovery from Plaintiff, which was referred to Magistrate Judge Virginia Morgan.

On November 19, 2009, Defendants filed a timely witness list. Plaintiff has not filed a witness list and discovery closed on December 18, 2009.

The docket reflects that filings sent to Plaintiff at the address he provided to the Court have been returned undeliverable. (*See e.g.*, Docket Entry No. 11).

On December 15, 2009, Magistrate Judge Morgan issued an Order granting Defendants’ Motion to Compel and recommending that this Court dismiss this action for Plaintiff’s failure to prosecute. Magistrate Judge Morgan’s Order notes that: 1) Plaintiff has willfully refused to

provide discovery in this action; 2) Plaintiff did not appear for the motion to compel hearing; and 3) Plaintiff has not updated his address or telephone number on file with the Court and is unreachable at either the address or telephone number he previously provided.

Magistrate Judge Morgan's Order expressly advised Plaintiff that he was required to file objections to her order within fourteen (14) days. Nevertheless, Plaintiff has not filed any objections to her order recommending involuntary dismissal of this action for failure to prosecute. In addition, Plaintiff has still not provided the Court with his current address or contact information.

While this Court is mindful of Plaintiff's *pro se* status, "even a *pro se* litigant, whether a plaintiff or a defendant, is required to follow the law. In particular, a willfully unrepresented plaintiff volitionally assumes the risk and accepts the hazards which accompany self-representation." *Graham-Humphreys v. Memphis Brooks Museum of Art, Inc.*, 209 F.3d 552, 561 (6th Cir. 2000). "[W]hile *pro se* litigants may be entitled to some latitude when dealing with sophisticated legal issues, acknowledging their lack of formal training, there is no cause for extending this margin to straightforward procedural requirements that a layperson can comprehend as easily as a lawyer." *Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991).

Here, Plaintiff has failed to cooperate in discovery, failed to file a witness or appear for hearings in this action, and discovery is now closed. Plaintiff also failed to file objections to Magistrate Judge Morgan's Order within the time permitted for doing so. Moreover, Plaintiff has failed to provide Defendants or the Court with his current contact information and therefore Defendants and the Court have no means of contacting Plaintiff.

Accordingly, IT IS ORDERED that this action is DISMISSED for failure to prosecute.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: January 6, 2010

I hereby certify that on January 6, 2010, a copy of the foregoing document was served upon counsel of record by electronic means and upon Ali Ibn Aziza El via First Class Mail at the address below:

Ali Ibn Aziza El
P. O. Box 23352
Detroit, MI 48223

S/Jennifer Hernandez
Case Manager